

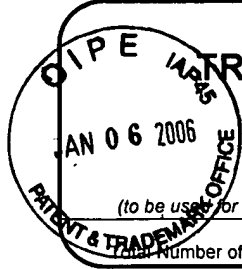
IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/562,066
Filing Date	April 28, 2004
First Named Inventor	Jensen-Jarolim
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	37488.00800 US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Copies of 8 Cited References		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Milbank, Tweed, Hadley & McCloy LLP		
Signature			
Printed name	Einar Stole		
Date	January 6, 2006	Reg. No.	47,272

## CERTIFICATE OF TRANSMISSION/MAILING

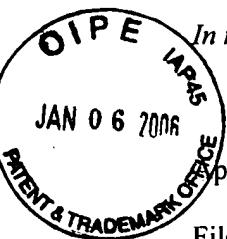
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Erika JENSEN-JAROLIM *et al.*

Application No: 10/562,066

Filed: April 28, 2004

For: ANTIGENT-CONTAINING  
MICROSPHERES FOR THE  
TREATMENT OF ALLERGIES

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT**

**Mail Stop AMENDMENT**

Commissioner of Patents  
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Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in C.F.R. § 1.56, applicants are submitting herewith copies of references listed on the attached Forms PTO/SB/08A and PTO/SB/08B for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Forms PTO/SB/08A and PTO/SB/08B with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

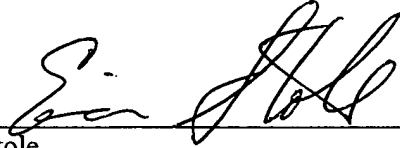
Applicants' submission of the Information Disclosure Statement (IDS) shall not be construed as an admission that the cited references are prior art to the present invention, or that the cited references qualify as printed publications. The submission of this IDS also shall not be construed as a representation that a prior art search has been performed.

In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is believed to be submitted before the mailing of a first Official Action. Therefore, it is respectfully submitted that no fee is required for consideration of this information. However, in any event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 13-3250 under referenced No. 37488.00800US.

Respectfully submitted,

**MILBANK, TWEED, HADLEY & McCLOY LLP**

By: \_\_\_\_\_

  
Einar Stole  
Reg. No. 47, 272

Dated: January 6, 2006

**Customer No. 38647**  
**Milbank, Tweed, Hadley & McCloy LLP**  
1850 K Street, NW Suite 1100  
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202-835-7500

**Complete if Known**

A circular stamp from the Intellectual Property Office (IPO). The text "IPO" is at the top, "JAN 06 2006" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom. The stamp is partially cut off on the right side.

**(Use as many sheets as necessary)**

Application Number	10/562,066
Filing Date	April 28, 2004
First Named Inventor	Jensen-Jarolim
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	37488.00800US

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		EP 0 7 738 890 A1	10/23/1996	Tosoh Corp.		
		EP 1 356 826 A1	10/29/2003	Biomay		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2

of 2

**Complete if Known**

Application Number	10/562,066
Filing Date	April 28, 2004
First Named Inventor	Jensen-Jarolim
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	37488.00800

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Gupta, R. K. et al., "Determination of protein loading in biodegradable polymer microspheres containing tetanus toxoid", Vaccine, Vol. 15, No. 67, pp. 672-678, 1997	
		Brooking, J. et al., "Transport of Nanoparticles Across the Rat Nasal Mucosa", Journal of Drug Targeting, 2001, Vol. 9, No. 4, pp. 267-279	
		Clark, M. A. et al. "Lectin-mediated mucosal delivery of drugs and microparticles", Advanced Drug Delivery Reviews 43 (2000) 207-233	
		International Search Report PCT/EP2004/004480	
		International Written Opinion PCT/2004/004480	
		International Preliminary Examination Report PCT/EP 2004/004480	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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